IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: William O. Camp, Jr.   Group Art Unit: 2617
Application No.: 10/809,179   Confirmation No.: 6824
Filed: March 25, 2004   Examiner: Matthew C. Sams
For: **HAND-HELD ELECTRONIC DEVICES CONFIGURED TO PROVIDE
        IMAGE DATA IN AN INTERNET PROTOCOL FORMAT AND RELATED
        DISPLAY DEVICES AND METHODS**

Date: November 29, 2007

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF ON APPEAL UNDER 37 C.F.R. §41.41

Sir:

This Reply Brief is filed in response to the Examiner's Answer mailed October 1,
2007. It is not believed that an extension of time and/or additional fee(s) are required, beyond
those that may otherwise be provided for in documents accompanying this paper. In the
event, however, that an extension of time is necessary to allow consideration of this paper,
such an extension is hereby petitioned for under 37 C.F.R. §1.136(a). Any additional fees
believed to be due in connection with this paper may be charged to Deposit Account No. 50-
0220.

II.   The Examiner's Answer – Response to Arguments

Appellant will refrain herein from readdressing all of the deficiencies with the
pending rejections and, therefore, in the interest of brevity, Appellant hereby incorporates
herein the arguments set out in Appellant's Brief on Appeal as if set forth in their entirety.

A.   Claims 1, 3-9, 16, 18-24, 31, 32, 35 and 36 are patentable over Zhang

The Examiner's Answer states that "[u]pon further review of independent claim 1, an
apparatus claim, it is noted...that the specific type of command (pointer) is recitation of an
intended use of the hand-held device and not pertinent to the patentability of an apparatus
claim." Examiner's Answer, pages 6-7. Appellant respectfully disagrees. Appellant submits

that the Examiner's Answer improperly attributes functional claim recitations regarding

various elements of the hand-held device as an intended use of the hand-held device. For

example, independent Claim 1 recites, in part:

> a user interface coupled to the controller wherein *the user interface is*
> *configured to accept user input of pointer commands* and wherein the
> *controller and transmitter are configured to transmit the pointer commands*
> over the wireless link to the remote electronic display.

(*Emphasis added.*) Appellant respectfully submits accepting pointer commands, for example,

describes functionality that the user interface is configured to provide. Accordingly,

recitations corresponding to pointer command related functions of the controller and

transmitter are also functional recitations.

In this regard, it is well settled law that all elements of a combination may be claimed

in terms of what they do as well as what they are. *See, e.g., In re Fuetterer*, 319 F.2d 259,

138 U.S.P.Q. 217, 221 (C.C.P.A. 1963). Additionally, regarding an apparatus claim,

functional language requires an accused apparatus to possess the capability of performing the

recited function. *See, e.g., R.A.C.C Industries Inc. v. Stun-tech Inc.*, 49 U.S.P.Q2d 1793,

1796 (Fed. Cir. 1998 – *unpublished*). Accordingly, Appellant respectfully submits that, in

contrast with the Examiner's Answer allegations, the functional recitations may not properly

be disregarded in determining patentability.

The Examiner's Answer asserts that pointer commands correlate to:

> the data being transmitted in response to a user activating a command
> option on a "graphical interface with control buttons such as "play", "pause"
> and "fast forward"" (e.g. "pointer commands") wherein "activating one of
> these links..." (e.g. "pointer commands") "will result in the server receiving
> the control command and subsequently taking proper actions". (Fig. 6 and
> Page 5 [0062])

Examiner's Answer, page 8. Appellant respectfully submits that any correlation asserted in

the Examiner's Answer is limited to a general correlation that may be associated with user

interfaces in general. The correlation, however, does not extend to distinctly different user

interface functional recitations. In this regard, Claim 1 specifically recites a user interface

configured to accept "pointer commands," which is not suggested or disclosed by Zhang.

The Examiner's Answer asserts that "the features upon which applicant relies (i.e.,

"dynamic pointer" Page 6) are not recited in the rejected claim(s)." Examiner's Answer, page

8. Appellant respectfully submits that the language to which the Examiner's Answer refers is explanatory language intended to illustrate how a pointer and/or corresponding pointer command are distinguished from the control buttons described in Zhang. As previously stated, "[a] pointer is visually and functionally distinguishable over the control buttons and menus described by Zhang in that the graphical image of a pointer is dynamic and thus moves, responsive to user input, to select objects and/or commands." Appellant's Appeal Brief, page 6.

The Examiner's Answer asserts that "[t]he appellant is admitting to the use of a pointer in a graphical user interface like the system taught by Zhang." Examiner's Answer, page 9. Appellant respectfully submits that the Examiner's Answer is missing the point of Appellant's argument. In contrast with the Examiner's Answer assertion, Appellant is distinguishing pointers and/or pointer commands from control buttons and menus by noting that some graphical user interfaces may include control buttons and/or menus that may be used in conjunction with pointer commands. In this regard, Zhang describes control buttons and/or menus but does not disclose or suggest pointers and/or corresponding pointer commands to be used in conjunction therewith. Accordingly, Zhang does not disclose or suggest the recitations of Claim 1.

The Examiner's Answer disagrees with Appellant's argument that Zhang appears to teach away from a transmitter "configured to transmit the pointer commands over the wireless link to the remote electronic display" and states that Zhang teaches "transmitting from a handheld device, the remote control interface user input commands for controlling the remote server." In contrast with the recitations of Claim 1, Zhang describes that:

> [t]he helper server returns a remote control interface description to the handheld device. The handheld device builds a Graphical User Interface (GUI) from the interface description and remotely controls the task on the helper server according to user interaction with the handheld device.

Zhang, paragraph [0032]. Appellants respectfully submit that if Zhang described transmitting pointer commands, then the utility of returning a remote control interface description and building a GUI may be obviated. In this regard, since pointer commands may render portions of Zhang as unnecessary, Zhang appears to teach away from the recitations of Claim 1. For at least the above reasons, Appellants respectfully submit that Zhang does not disclose or suggest several of the recitations of Claims 1, 3-9, 16, 18-24, 31, 32, 35 and 36.

B. Claims 10-15, 25-30, 33, 34, 37 and 38 are patentable over Duval

The Examiner's Answer asserts that:

> DuVal teaches a PDA (Fig. 1[11]), storing image data (Page 1 [0008] HTML data 12) to be transmitted to a display device (Fig. 1 [10]) and pointer commands (received by the PDA after an interrogation of the display device [page 2 0016]) in order control the display by the PDA. (Page 2 [0016] "internet access device 11, in addition to controls integrated into the display device 10, can be used for user control"). Therefore, DuVal meets the limitations of claims 10 & 25.

Examiner's Answer, page 11. Appellant respectfully submits that the Examiner's Answer incorrectly reads pointer commands into, for example, paragraph [0016] of Duval. In the interest of completeness, paragraph [0016], in its entirety, states:

> Next, the user transmits the HTML data 11 from memory of internet access device 11 to display device 10. As explained below, this transmission is accomplished by transmitting commands and compressed files rather than pixel data. The HTML data, now stored in internet access device 11, is *transmitted as HTML commands* and file transfers. Internet access device 11 may also be used to generate control commands and responses associated with display device 10, *using XML commands*. XML (extensible markup language) is a modified version of SGML, designed especially for web documents and permits web designers to create customized tags. *Using XML commands*, internet access device 11 can be used to interrogate display device 11 *to determine its control commands*, and to generate an appropriate user interface. In this manner, internet access device 11, in addition to controls integrated into the display device 10, can be used for user control.

Duval, paragraph [0016]. (*Emphasis added.*) Appellant notes that, in contrast with the Examiner's Answer assertion, the above portion of DuVal does not appear to include any disclosure related to an electronic display device having an Internet browser configured to receive *image data and pointer commands* from a hand-held electronic device…wherein the Internet protocol browser is configured to provide the image data visually using the display *responsive to the pointer commands* from the hand-held electronic device. Instead DuVal appears to use XML commands to determine control commands.

Regarding the XML commands, the Examiner's Answer states that Appellant's previously submitted definition of XML is not considered by the examiner because the article referenced in providing the definition does not represent a view of the art from March 25, 2004 or earlier than the filing date of the application. As an initial matter, Appellant

respectfully submits that the definition of XML in 2004 is likely the same as it was in the article provided by the Appellant. Additionally, Appellant respectfully submits that the definition of XML is merely relevant for what it does not teach. Specifically, the point that Appellant is attempting to communicate is that an XML command is not a pointer command. Further, Appellant respectfully submits that the Patent Office bears the evidentiary burden regarding interpretation of a term beyond the four corners of a reference used in a novelty and/or obviousness rejection. In this regard, no evidence, definitional or otherwise, has been provided other than conclusory statements regarding XML teaching pointer commands. For at least the above reasons, Appellant respectfully submits that Duval does not disclose or suggest several of the recitations of Claims 10-15, 25-30, 33, 34, 37 and 38.
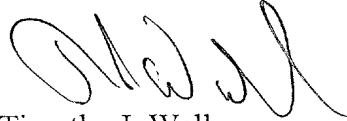
III. Claims Appendix

Appellant appreciates the identification of the minor error in Claim 5 of the Appendix to the Appellant's Brief. *See* Examiner's Answer, page 2. Accordingly, Appellant provides a corrected Claims Appendix.

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IV.   Conclusion

For the reasons set forth in above and in Appellant's Brief on Appeal, Appellant requests reversal of the rejections of the claims, allowance of the claims and passing of the application to issue.
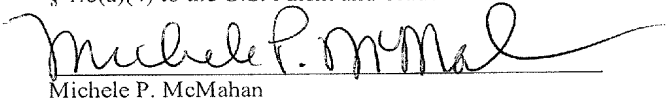
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APPENDIX A

1. (Previously Presented) A hand-held electronic device comprising:

memory configured to store image data within the hand-held electronic device;

a transmitter configured to provide a wireless link with a remote electronic display;

a controller coupled to the memory and to the transmitter wherein the controller is configured to provide the image data in an Internet protocol format and wherein the transmitter is configured to transmit the image data over the wireless link in the Internet protocol format; and

a user interface coupled to the controller wherein the user interface is configured to accept user input of pointer commands and wherein the controller and transmitter are configured to transmit the pointer commands over the wireless link to the remote electronic display.

2. (Canceled)

3. (Previously Presented) A hand-held electronic device according to Claim 1 wherein the pointer commands are transmitted in the Internet protocol format.

4. (Previously Presented) A hand-held electronic device according to Claim 1 wherein the pointer commands are transmitted in a format other than the Internet protocol format.

5. (Original) A hand-held electronic device according to Claim 1 wherein the transmitter comprises a short range transmitter, the hand-held electronic device further comprising a long range transceiver configured to provide long-range communications.

6. (Original) A hand-held electronic device according to Claim 1 wherein the transmitter is configured to provide a wireless link according to at least one of a WiFi

standard, a BlueTooth standard, and/or an infrared standard.

7. (Original) A hand-held electronic device according to Claim 1 wherein the Internet protocol format comprises at least one of HTML and/or XML.

8. (Original) A hand-held electronic device according to Claim 1 wherein the controller further provides at least one of a contacts database, a calendar, an e-mail transmitter/receiver, a digital music player, a task list, and/or a wireless internet browser.

9. (Original) A hand-held electronic device according to Claim 1 wherein the image data comprises a slide presentation.

10. (Original) An electronic display device comprising:
a display configured to display electronic data;
an Internet protocol browser, wherein the Internet protocol browser is configured to receive image data and pointer commands from a hand-held electronic device without a wired coupling to the hand-held electronic device, wherein the image data is received at the Internet protocol browser in an Internet protocol format, and wherein the Internet protocol browser is configured to provide the image data visually using the display responsive to the pointer commands from the hand-held electronic device.

11. (Original) An electronic display device according to Claim 10 wherein the display comprises at least one of a monitor and/or a projector.

12. (Original) An electronic display device according to Claim 10 wherein the pointer commands are received at the Internet protocol browser in the Internet protocol format.

13. (Original) An electronic display device according to Claim 10 wherein the pointer commands are received at the Internet protocol browser in a format other than the Internet protocol format.

14. (Original) An electronic display device according to Claim 10 wherein the Internet protocol format comprises at least one of HTML and/or XML.

15. (Original) An electronic display device according to Claim 10 wherein the image data comprises a slide presentation.

16. (Previously Presented) A method of providing a visual presentation using a hand-held electronic device, the method comprising:

storing image data within the hand-held electronic device;

providing the image data in an Internet protocol format;

transmitting the image data over a wireless link to a remote electronic display in the Internet protocol format;

accepting user input of pointer commands; and

transmitting the pointer commands over the wireless link to the remote electronic display.

17. (Canceled)

18. (Previously Presented) A method according to Claim 16 wherein the pointer commands are transmitted in the Internet protocol format.

19. (Previously Presented) A method according to Claim 16 wherein the pointer commands are transmitted in a format other than the Internet protocol format.

20. (Original) A method according to Claim 16 wherein the image data is transmitted using a short range protocol, the method further comprising:
providing long-range wireless communications.

21. (Original) A method according to Claim 16 wherein transmitting the image data comprises transmitting the image data using at least one of a WiFi standard, a BlueTooth

standard, and/or an infrared standard.

22. (Original) A method according to Claim 16 wherein the Internet protocol format comprises at least one of HTML and/or XML.

23. (Original) A method according to Claim 16 further comprising:
providing at least one of a contacts database, a calendar, an e-mail transmitter/receiver, a digital music player, a task list, and/or a wireless internet browser.

24. (Original) A method according to Claim 16 wherein the image data comprises a slide presentation.

25. (Original) A method of operating an electronic display device, the method comprising:
receiving image data and pointer commands from a hand-held electronic device without a wired coupling to the hand-held electronic device, wherein the image data is received in an Internet protocol format; and
providing the image data visually responsive to the pointer commands.

26. (Original) A method according to Claim 25 wherein providing the image data comprises providing the image data using at least one of a monitor and/or a projector.

27. (Original) A method according to Claim 25 wherein the pointer commands are received at the Internet protocol browser in the Internet protocol format.

28. (Original) A method according to Claim 25 wherein the pointer commands are received at the Internet protocol browser in a format other than the Internet protocol format.

29. (Original) A method according to Claim 25 wherein the Internet protocol format comprises at least one of HTML and/or XML.

30. (Original) A method according to Claim 25 wherein the image data comprises a slide presentation.

31. (Previously Presented) A hand-held electronic device according to Claim 1 wherein the transmitter is configured to provide the wireless link with the remote electronic display including an Internet protocol browser, wherein the pointer commands are used to control a pointer function of the Internet protocol browser of the remote electronic display, and wherein the controller and transmitter are configured to transmit the pointer commands over the wireless link to the remote electronic display to control the pointer function of the Internet protocol browser.

32. (Previously Presented) A hand held electronic device according to Claim 31 wherein the controller is configured to act as a server with respect to the browser of the remote electronic display acting as a client.

33. (Previously Presented) An electronic display device according to Claim 10 wherein the pointer commands are used to control a pointer function of the Internet protocol browser.

34. (Previously Presented) An electronic display device according to Claim 33 wherein the browser is configured to act as a client with respect to a controller of the hand held electronic device acting as a server.

35. (Previously Presented) A method according to Claim 16 wherein the remote electronic display includes an Internet protocol browser, wherein the pointer commands are used to control a pointer function of the Internet protocol browser of the remote electronic device, and wherein the pointer commands are transmitted over the wireless link to the remote electronic display to control the pointer function of the Internet protocol browser.

36. (Previously Presented) A method according to Claim 35 wherein the hand held electronic device is configured to act as a server with respect to the browser of the remote

electronic display acting as a client.

37. (Previously Presented) A method according 25 wherein the electronic display device includes an Internet protocol browser, and wherein the pointer commands are used to control a pointer function of an Internet protocol browser of the electronic display device.

38. (Previously Presented) A method according to Claim 37 wherein the Internet protocol browser is configured to act as a client with respect to a controller of the hand held electronic device acting as a server.